

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ISAAC GONZALES, SR,

Plaintiff,

No. CIV S-00-0945 GEB KJM P

vs.

CAL. A. TERHUNE, et al.,

Defendants.

ORDER

Plaintiff is a California prisoner proceeding pro se with an action for violation of civil rights under 42 U.S.C. § 1983. Petitioner has filed a request for the appointment of counsel. The United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296 (1989). In certain exceptional circumstances, however, the court may request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015 (9th Cir. 1990); Wood v. Housewright, 900 F.2d 1332 (9th Cir. 1990). The court will refer this case to Professor Michael Vitiello, McGeorge School of Law, and ask that he attempt to find representation for plaintiff. If the court is notified that representation is available, a status conference will be scheduled promptly. Plaintiff should be ready to proceed with this matter if representation cannot be obtained for plaintiff within thirty days of this order.

1 In accordance with the above, IT IS HEREBY ORDERED that:

2 _____ 1. The Clerk of the Court is directed to copy the contents of this file and forward
3 them to Professor Michael Vitiello, McGeorge School of Law, 3200 Fifth Avenue, Sacramento,
4 CA, 95817.

5 2. The Court requests that Professor Vitiello inform the court at his earliest
6 convenience and not later than thirty days from this order whether counsel can be obtained for
7 plaintiff.

8 DATED: June 27, 2005.

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12 UNITED STATES MAGISTRATE JUDGE
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